

JUL 07 2015

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSE SANTOS MALTEZ PADILLA,
AKA Jose Maltez, AKA Jose
Maltezpaddilla, AKA Jose Anthony
Maltezpaddilla, AKA Jose Santos
Maltezpaddilla,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-72942

Agency No. A095-658-213

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted June 22, 2015**

Before: HAWKINS, GRABER, and W. FLETCHER, Circuit Judges.

Jose Santos Maltez Padilla, a native and citizen of Nicaragua, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order dismissing his

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

appeal from an immigration judge's decision denying his application for asylum, withholding of removal, and protection under the Convention Against Torture ("CAT"). Our jurisdiction is governed by 8 U.S.C. § 1252. We dismiss in part and deny the petition for review.

Maltez Padilla attached several documents to his opening brief and his filing of May 15, 2015, some of which were not in the administrative record. We do not consider the extra-record documents because our review is limited to the record underlying the agency's decision. *See Fisher v. INS*, 79 F.3d 955, 963 (9th Cir. 1996) (en banc). Further, to the extent Maltez Padilla is asking for prosecutorial discretion in his filing of May 15, 2015, we lack jurisdiction over such a request. *See Vilchiz-Soto v. Holder*, 688 F.3d 642, 644 (9th Cir. 2012) (order).

Maltez Padilla does not raise any challenge to the BIA's dispositive finding that he is ineligible for asylum and withholding of removal on the ground that his 2009 conviction is a per se particularly serious crime, nor does he raise any challenges to the BIA's rejection of CAT relief. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996) (issues not specifically raised and argued in the opening brief are deemed waived). Thus, we deny the petition as to his asylum, withholding of removal, and CAT claims.

Maltez Padilla's challenges to his continued detention and the agency's denial of bond are not properly before us. *See Leonardo v. Crawford*, 646 F.3d 1157, 1160 (9th Cir. 2011) (noting entitlement to bond hearing for certain aliens held in custody and setting forth procedure for challenging bond determinations). Finally, Maltez Padilla's motion for bond is denied; he may seek administrative remedies. *See id.*

PETITION FOR REVIEW DISMISSED in part; DENIED in part.